

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EARL THOMAS,	)	
	)	2:09cv1532
Petitioner,	)	Electronic Filing
	)	
v.	)	Judge Cercone
	)	Magistrate Judge Bissoon
MICHAEL C. BARONE, et al.,	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

Earl Thomas's Petition for Writ of Habeas Corpus was received by the Clerk of Court on November 18, 2009, and was referred to United States Magistrate Judge Cathy S. Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on January 14, 2010, recommended that the Petition for Writ of Habeas Corpus filed by Thomas be dismissed *sua sponte* because it fails to assert a claim cognizable under 28 U.S.C. § 2254. The Magistrate Judge also recommended that a certificate of appealability be denied. The parties were allowed until January 29, 2010, to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to his place of incarceration. No objections have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 17<sup>th</sup> day of March, 2010,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Earl Thomas is dismissed, and a certificate of appealability is DENIED.

The Report and Recommendation of Magistrate Judge Bissoon (Document No. 7) dated January 14, 2010, is adopted as the opinion of the court.



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David Stewart Cercone  
United States District Judge

cc: EARL THOMAS  
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